

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DOCKET NO. 3:05CR92

UNITED STATES OF AMERICA, )  
 )  
 v. )  
 )  
 MARK COX )

**FINAL ORDER AND  
JUDGMENT OF FORFEITURE**

On April 11, 2005, this Court (Mullen, J.) entered a preliminary order of forfeiture pursuant to 21 U.S.C. §853, as incorporated by 18 U.S.C. §982(b)(1), and Fed. R. Crim. P. 32(d)(2), based upon the defendant's conviction on three counts charged in the bill of information. That preliminary order was subsequently amended to allow the thirty-party petition of Carol Ann Cox ("Petitioner") for \$812,000 plus interest. On August 21, 2007, this Court (Thornburg, J.) entered a consent order forfeiting an additional \$100,000 in the form of an official BB&T check for that amount.

On June 17, June 24, and July 1, 2005, the United States published in the Mecklenburg Times, a newspaper of general circulation, notice of the preliminary order and of the intent of the government to dispose of the forfeited property in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty days for a hearing to adjudicate the validity of any alleged legal interest in the property. In addition, as to the consent order for the \$100,000 check, the government has published notice by internet publication, pursuant to the Attorney General's discretionary authority under 21 U.S.C. §853(n)(1). Except for the Petitioner's claim, which has been fully adjudicated, it appears from the record that no petitions have been filed.

Based on the record in this case, including the stipulations and representations made by consent of the parties, the Court finds, in accordance with Fed. R. Crim. P. 32.2(c)(2) and (e)(1)(B),

that the defendant had an interest in the property listed below that is forfeitable under 18 U.S.C. §982(a)(1), §982(a)(2)(A), and/or §982(a)(7). The preliminary order and the consent order have therefore become final as to this property, and it is subject to forfeiture pursuant to Rule 32.2(c)(2) and Rule 32.2(e)(1)(B).

It is therefore ORDERED, ADJUDGED AND DECREED that all right, title, and interest in the following property is hereby forfeited to the United States for disposition according to law: the funds seized from the BB&T accounts listed in the preliminary order, less the funds awarded to Petitioner, plus the \$100,000 seized pursuant to the consent order and judgment, in the total amount of approximately \$597,661.54 in funds now held by the Marshals Service, together with any accrued interest (other than accrued interest previously paid to Petitioner).

Signed: March 18, 2009

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

